

1                                   **UTAH MARRIAGE COMMISSION AMENDMENTS**

2   2017 GENERAL SESSION

3   STATE OF UTAH

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5 **LONG TITLE**

6 **General Description:**

7           This bill increases the marriage license fee and modifies premarital education and  
8           counseling provisions.

9 **Highlighted Provisions:**

10          This bill:

- 11           ▶ increases the marriage license fee by \$20 and creates a restricted account to support
- 12           marriage and relationship strengthening efforts in the state;
- 13           ▶ offers a couple a \$20 rebate if both parties complete premarital education or
- 14           counseling that meets specific criteria;
- 15           ▶ provides content requirements for premarital education and counseling;
- 16           ▶ provides requirements for providers of premarital education and counseling;
- 17           ▶ creates the Marriage Education Restricted Account; and
- 18           ▶ provides a reporting requirement.

19 **Money Appropriated in this Bill:**

20          None

21 **Other Special Clauses:**

22          This bill provides a special effective date.

23 **Utah Code Sections Affected:**

24 AMENDS:

25           **17-16-21**, as last amended by Laws of Utah 2013, Chapter 278

26           **26-2-24**, as last amended by Laws of Utah 1995, Chapter 202

27           **30-1-30**, as enacted by Laws of Utah 1971, Chapter 64

28           **30-1-39**, as enacted by Laws of Utah 1971, Chapter 64

29           **62A-1-120**, as last amended by Laws of Utah 2014, Chapter 387

30 ENACTS:

31           **62A-1-121**, Utah Code Annotated 1953

32 REPEALS AND REENACTS:

33           **30-1-34**, as enacted by Laws of Utah 1971, Chapter 64

34           **30-1-36**, as enacted by Laws of Utah 1971, Chapter 64

35 REPEALS:

36           **30-1-31**, as enacted by Laws of Utah 1971, Chapter 64

37           **30-1-32**, as last amended by Laws of Utah 2011, Chapter 297

38           **30-1-33**, as last amended by Laws of Utah 2011, Chapter 297

39           **30-1-35**, as last amended by Laws of Utah 2011, Chapter 297

40           **30-1-37**, as last amended by Laws of Utah 2011, Chapter 297

41           **30-1-38**, as enacted by Laws of Utah 1971, Chapter 64

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43 *Be it enacted by the Legislature of the state of Utah:*

44           Section 1. Section **17-16-21** is amended to read:

45           **17-16-21. Fees of county officers.**

46           (1) As used in this section, "county officer" means all of the county officers  
47 enumerated in Section 17-53-101 except county recorders, county constables, and county  
48 sheriffs.

49           (2) (a) Each county officer shall collect, in advance, for exclusive county use and  
50 benefit:

51           (i) all fees established by the county legislative body under Section 17-53-211; and

52           (ii) any other fees authorized or required by law.

53           (b) As long as the Children's Legal Defense Account is authorized by Section  
54 51-9-408, the county clerk shall:

55           (i) assess \$10 in addition to whatever fee for a marriage license is established under  
56 authority of this section; and

57           (ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit  
58 in the Children's Legal Defense Account.

59           (c) (i) As long as the Division of Child and Family Services, created in Section  
60 62A-4a-103, has the responsibility under Section 62A-4a-105 to provide services, including  
61 temporary shelter, for victims of domestic violence, the county clerk shall:

62           (A) collect \$10 in addition to whatever fee for a marriage license is established under  
63 authority of this section, in addition to the amount described in Subsection (2)(b), if an

64 applicant chooses, as provided in Subsection (2)(c)(ii), to pay the additional \$10; and

65 (B) to the extent actually paid, transmit \$10 from each marriage license fee to the  
66 Division of Finance for distribution to the Division of Child and Family Services for the  
67 operation of shelters for victims of domestic violence.

68 (ii) (A) The county clerk shall provide a method for an applicant for a marriage license  
69 to choose to pay the additional \$10 referred to in Subsection (2)(c)(i).

70 (B) An applicant for a marriage license may choose not to pay the additional \$10  
71 referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be issued a  
72 marriage license.

73 (d) The county clerk shall:

74 (i) assess \$20 in addition to whatever fee for a marriage license is established under  
75 authority of this section; and

76 (ii) transmit \$20 from each marriage license fee to the Division of Finance for deposit  
77 into the Marriage Education Restricted Account, created in Section 62A-1-121.

78 (3) This section does not apply to any fees currently being assessed by the state but  
79 collected by county officers.

80 Section 2. Section **26-2-24** is amended to read:

81 **26-2-24. Marriage licenses -- Execution and filing requirements.**

82 (1) The state registrar shall supply county clerks with application forms for marriage  
83 licenses. [~~Completed applications shall be transmitted by the clerks~~]

84 (2) County clerks shall transmit completed applications to the state registrar monthly.

85 (3) The personal identification information contained on each application for a  
86 marriage license filed with the county clerk shall be entered on a form supplied by the state  
87 registrar.

88 (4) The person performing the marriage shall furnish the date and place of marriage  
89 and [~~his~~] the person's name and address. [~~The form shall be completed and certified by the~~  
90 county clerk]

91 (5) The county clerk shall complete and certify the form before it is filed with the state  
92 registrar.

93 (6) In accordance with Subsection (2), by January 1, 2018, county clerks are  
94 encouraged to transmit forms to the state registrar in electronic form.

95 Section 3. Section **30-1-30** is amended to read:

96 **30-1-30. Premarital education or counseling -- State policy -- Applicability.**

97 It is the policy of the state of Utah to enhance the possibility of couples to achieve more  
98 stable, satisfying and enduring marital and family relationships by providing opportunities for  
99 and encouraging the use of premarital education or counseling prior to securing a marriage  
100 license [~~by persons under 19 years of age and by persons who have been previously divorced~~].

101 Section 4. Section **30-1-34** is repealed and reenacted to read:

102 **30-1-34. Premarital education or counseling -- Rebate.**

103 (1) (a) As described in Subsection 17-16-21(2)(d), a county clerk shall assess \$20 in  
104 addition to whatever fee for a marriage license is established under authority of Section  
105 17-16-21, and shall transmit the \$20 to the Marriage Education Restricted Account, created in  
106 Section 62A-1-121, to support marriage and relationship strengthening efforts in the state.

107 (b) (i) The Utah Marriage Commission shall offer a \$20 rebate to a married couple that  
108 receives premarital education or counseling in accordance with this section.

109 (ii) Each party may receive the premarital education or counseling together as a couple  
110 or separately.

111 (iii) Each party shall complete the premarital education or counseling not more than  
112 one year before and at least seven days before the day on which the marriage license is issued.

113 (2) Within 90 days of the day on which the marriage license is issued, the married  
114 couple shall submit to the Utah Marriage Commission:

115 (a) a signed and dated statement from the person who provided the premarital  
116 education or counseling confirming that the premarital education or counseling was received;  
117 and

118 (b) a copy of the marriage license or the license number listed on the marriage license.

119 (3) The premarital education or counseling shall be provided by:

120 (a) a licensed or ordained minister or the minister's designee who has been authorized  
121 by the minister or denomination to conduct premarital education or counseling;

122 (b) a person authorized to solemnize marriages under Section 30-1-6;

123 (c) a licensed counselor;

124 (d) an individual certified by the National Council on Family Relations as a certified  
125 family life educator;

- 126 (e) a Family and Consumer Sciences educator;  
127 (f) an individual who is an approved instructor of a premarital education curriculum  
128 that meets the requirements of Subsection (4)(a); or  
129 (g) an online course approved by the Utah Marriage Commission.  
130 (4) (a) The premarital education or counseling shall include, as a minimum, the  
131 following topics:  
132 (i) commitment in marriage;  
133 (ii) the importance of providing a safe and nurturing environment for children;  
134 (iii) effective communication and problem-solving skills, including avoiding violence  
135 and abuse in the relationship; and  
136 (iv) effective financial management.  
137 (b) At least six hours of premarital education or three hours of counseling are required  
138 to fulfill the requirements of this section.  
139 (c) Religious organizations offering formal premarital education or counseling,  
140 including religious principles related to marriage, are exempt from the content requirements in  
141 Subsection (4)(a), but shall adhere to the length-of-time requirement.  
142 (d) Providers are encouraged to make use of research-based relationship inventories.  
143 (5) The statement from the person who provided the premarital education or  
144 counseling shall include the following:  
145 "I, (name of provider), confirm that I provided (names of both parties) at least six hours  
146 of premarital education or three hours of premarital counseling. I am authorized to provide  
147 premarital education or counseling in accordance with Subsection 30-1-34(3) Utah Code  
148 Annotated, 1953."  
149 (6) The names of the parties in the provider's statement shall be identical to the legal  
150 names of the parties as they appear on the marriage license.  
151 Section 5. Section **30-1-36** is repealed and reenacted to read:  
152 **30-1-36. Activities included in premarital education or counseling.**  
153 (1) (a) Premarital education may include lectures, classes, or seminars provided by a  
154 provider that meets the requirements of Subsection 30-1-34(3)(e) or (f).  
155 (b) Premarital education may also include an online course in accordance with  
156 Subsection 30-1-34(3)(g).

157 (2) Premarital counseling may include individual, couple, or group counseling with a  
 158 provider that meets the requirements of Subsection 30-1-34(3)(a), (b), (c), or (d).

159 Section 6. Section **30-1-39** is amended to read:

160 **30-1-39. Violation of counseling provisions -- Infraction.**

161 Any person [~~coming within the provisions of this act~~] who falsely represents that [he]  
 162 the person has complied with the requirements of [~~a master plan for premarital counseling or~~  
 163 ~~who, for the purpose of evading the provisions of this act, applies for a marriage license in a~~  
 164 ~~county within the state of Utah which does not require premarital counseling, is guilty of a~~  
 165 ~~misdemeanor.~~] Section 30-1-34 or who colludes with another person for the purpose of  
 166 receiving the benefit of Subsection 30-1-34(1)(b) is guilty of an infraction.

167 Section 7. Section **62A-1-120** is amended to read:

168 **62A-1-120. Utah Marriage Commission.**

169 (1) As used in this section, "commission" means the Utah Marriage Commission  
 170 created by this section.

171 (2) There is created within the department the "Utah Marriage Commission."

172 (3) The commission shall consist of 17 members appointed as follows:

173 (a) two members of the Senate appointed by the president of the Senate;

174 (b) two members of the House of Representatives appointed by the speaker of the  
 175 House of Representatives;

176 (c) six current or former representatives from marriage and family studies departments,  
 177 social or behavioral sciences departments, health sciences departments, colleges of law, or  
 178 other related and supporting departments at institutions of higher education in this state, as  
 179 shall be appointed by the governor;

180 (d) five representatives selected and appointed by the governor from among the  
 181 following groups:

182 (i) social workers who are or have been licensed under Title 58, Chapter 60, Part 2,  
 183 Social Worker Licensing Act;

184 (ii) psychologists who are or have been licensed under Title 58, Chapter 61,  
 185 Psychologist Licensing Act;

186 (iii) physicians who are or have been board certified in psychiatry and are or have been  
 187 licensed under Title 58, Chapter 67, Utah Medical Practice Act;

188 (iv) marriage and family therapists who are or have been licensed under Title 58,  
189 Chapter 60, Part 3, Marriage and Family Therapist Licensing Act;

190 (v) representatives of faith communities;

191 (vi) public health professionals;

192 (vii) representatives of domestic violence prevention organizations; or

193 (viii) legal professionals; and

194 (e) two representatives of the general public appointed by the members of the  
195 commission appointed under Subsections (3)(a) through (d).

196 (4) (a) A member appointed under Subsections (3)(c) through (e) shall serve for a term  
197 of four years. A member may be appointed for subsequent terms.

198 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment  
199 or reappointment, adjust the length of terms to ensure that the terms of commission members  
200 are staggered so that approximately half of the commission is appointed every two years.

201 (c) A commission member shall serve until a replacement is appointed and qualified.

202 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
203 appointed for the unexpired term in the same manner as the original appointment.

204 (5) (a) The commission shall annually elect a chair from its membership.

205 (b) The commission shall hold meetings as needed to carry out its duties. A meeting  
206 may be held on the call of the chair or a majority of the commission members.

207 (c) Nine commission members constitute a quorum and, if a quorum exists, the action  
208 of a majority of commission members present constitutes the action of the commission.

209 (6) (a) A commission member who is not a legislator may not receive compensation or  
210 benefits for the commission member's service, but may receive per diem and travel expenses as  
211 allowed in:

212 (i) Section 63A-3-106;

213 (ii) Section 63A-3-107; and

214 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and  
215 63A-3-107.

216 (b) Compensation and expenses of a commission member who is a legislator are  
217 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and  
218 Expenses.

- 219 (7) The department shall staff the commission.
- 220 (8) The commission shall:
- 221 (a) promote coalitions and collaborative efforts to uphold and encourage a strong and  
222 healthy culture of strong and lasting marriages and stable families;
- 223 (b) contribute to greater awareness of the importance of marriage and leading to  
224 reduced divorce and unwed parenthood in the state;
- 225 (c) promote public policies that support marriage;
- 226 (d) promote programs and activities that educate individuals and couples on how to  
227 achieve strong, successful, and lasting marriages, including promoting and assisting in the  
228 offering of:
- 229 (i) events;
- 230 (ii) classes and services, including those designed to promote strong, healthy, and  
231 lasting marriages and prevent domestic violence;
- 232 (iii) marriage and relationship education conferences for the public and professionals;  
233 and
- 234 (iv) enrichment seminars;
- 235 (e) actively promote measures designed to maintain and strengthen marriage, family,  
236 and the relationships between husband and wife and parents and children; ~~and~~
- 237 (f) support volunteerism and private financial contributions and grants in partnership  
238 with the commission and in support of the commission's purposes and activities for the benefit  
239 of the state as provided in this section[-];
- 240 (g) regularly publicize information on premarital education and counseling services or  
241 classes available in the state that meet the requirements specified in Section 30-1-34; and
- 242 (h) administer the Marriage Education Restricted Account established in Section  
243 62A-1-121.
- 244 (9) Funding for the commission shall be as approved by the Legislature through annual  
245 appropriations and the added funding sought by the commission from private contributions and  
246 grants that support the duties of the commission described in Subsection (8).
- 247 (10) The commission shall provide a report to the Social Services Appropriations  
248 Subcommittee during the 2022 annual General Session, covering:
- 249 (a) the number and percentage of couples who received a rebate under Section 30-1-34;

250 (b) expected outcomes of the program and whether they were met; and

251 (c) recommendations regarding the continuance of the rebate.

252 Section 8. Section **62A-1-121** is enacted to read:

253 **62A-1-121. Marriage Education Restricted Account.**

254 (1) There is created within the General Fund a restricted account known as the  
255 "Marriage Education Restricted Account."

256 (2) The restricted account shall be funded from the additional fee collected by the  
257 county clerk pursuant to Subsection 17-16-21(2)(d).

258 (3) Upon appropriation, the restricted account shall be used to fund, support, and  
259 promote education programs in accordance with Subsection 62A-1-120(8)(d).

260 (4) The restricted account may accrue interest, which shall be deposited into the  
261 restricted account.

262 (5) At the close of any fiscal year, any balance in the fund in excess of \$400,000 shall  
263 be transferred to the General Fund.

264 Section 9. **Repealer.**

265 This bill repeals:

266 Section **30-1-31, Premarital counseling board in county -- Appointment, terms,**  
267 **compensation, offices -- Common counseling board with adjacent county.**

268 Section **30-1-32, Master plan for counseling.**

269 Section **30-1-33, Conformity to master plan for counseling as prerequisite to**  
270 **marriage license -- Exceptions.**

271 Section **30-1-35, Persons performing counseling services designated by board --**  
272 **Exemption from license requirements.**

273 Section **30-1-37, Confidentiality of information obtained under counseling**  
274 **provisions.**

275 Section **30-1-38, Fee for counseling.**

276 Section 10. **Effective date.**

277 This bill takes effect on January 1, 2018.

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**